

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:03-CR-299-1-BO

UNITED STATES OF AMERICA)
)
)
v.) **ORDER**
)
)
JASPER TUJUIAN ALLEN)

Defendant, Jasper Allen, moves for reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2) and for early release. Defendant pleaded guilty on April 30, 2004, to one count of possession with intent to distribute fifty grams or more of cocaine base in violation of 21 U.S.C. 841(a)(1). Defendant was sentenced 190 months' imprisonment on October 28, 2004. Defendant now seeks early release based on his conduct while incarcerated and his rehabilitation efforts.¹

DISCUSSION

There are limited exceptions to the general rule that a court is without the power to modify a term of imprisonment once it has been imposed. 18 U.S.C. § 3582(c). Though defendant's efforts toward rehabilitation are not to be disregarded, they do not provide a basis upon which this Court could lawfully permit defendant's early release. *See e.g.* 18 U.S.C. § 3582(c)(1).

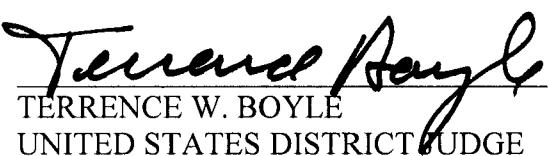
CONCLUSION

For the foregoing reasons, defendant's request for early release based upon his conduct while incarcerated is DENIED. The Court will consider defendant's motion for reduction in

¹ This order addresses only defendant's request for early release based upon his conduct while incarcerated. The Court will consider his § 3582(c)(2) motion once it has been calendared for hearing.

sentence pursuant to 18 U.S.C. § 3582(c)(2) [DE 96] at the appropriate time. For good cause shown, the government's motion to seal its response to the instant motion [DE 98] is GRANTED.

SO ORDERED, this 2 day of June, 2015.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE